Missouri
Department of
Natural Resources

Response to Comment(s)
On Rule in Development

Rule number: 10 CSR 10-5.381

Rule Title: On-Board Diagnostics Motor Vehicle Emissions Inspection

Type of rulemaking: Rule Adoption

Response to Comments from Autotech Auto Center

Comment: Subsection (2)(U): An emissions inspection is currently good for 30 days, it should stay at the 30 day mark, 90 days (3 months) is too long of a time for the repair facility to have to keep these records on hand. Also, the re inspection time for safety inspections is only 20 working days (1 month) and the two tests should run concurrently.

Response: The definition of a qualifying repair in subsection (2)(U) applies only to vehicles that are being repaired to obtain a cost-based waiver. The ninety (90) day period refers to how long a qualifying repair will be considered valid for the purposes of issuing a cost-based waiver. The receipts have to be maintained by the motorist, not the repair facility. Emissions inspections are valid for sixty (60) days from the date of passing inspection or waiver, as specified in paragraph (3)(C)1. of this rule. Initial inspections include one free reinspection at the same station that conducted the initial inspection for twenty (20) business days of the initial inspection, as specified in paragraph (3)(D)2. of this rule. A change to the rule text is not anticipated as a result of this comment.

Comment: Paragraph (3)(D)3.: There is a sticker required for passed vehicles, the fee should be handled the same way as for the safety inspection stickers. The emissions testing facility should purchase the stickers before they are used. Requiring weekly remittance and record keeping is too excessive for small businesses.

Response: The emissions and safety inspection stickers will be handled in the same fashion. Stations will pre-pay the state for the number of safety and the number of emissions inspections they will perform. As a result of this comment, before filing the proposed rulemaking, paragraph (3)(D)3. of this rule will be changed accordingly.

Comment: Subparagraph (3)(F)4.B.: The fee of $100.00 per stations is totally unfair. The test center is already going to perform the tests at a less than normal shop rate, provide the staff, facility, equipment, training, certification, etc., and to ask us to pay for the privilege of underwriting the states program is not fair.

If you check your records, just a few years ago, the small business shop owner was asked to purchase special equipment with the guarantee that if the program ended, the State of Missouri would step up and buy out the equipment, however, when the program ended, there were never any funds set aside to back up this promise, and now you are asking us to underwrite this program again.

Subparagraph (3)(F)4.D.: This again goes back to the fact that this is not fair to the emissions test center. The State and the Department of Revenue are already asking us to purchase special equipment, make our staff and facilities available at a substantially discounted rate and then pay $100.00 every year, this is not fair, and unless the shop's license is revoked or suspended by the department or the MSHP, the license should be self renewing with just updated information provided, no annual fee.

Response: The Regulatory Impact Report for this rule acknowledges that businesses participating in the decentralized emissions inspection program will have costs associated with this participation. Participation in the decentralized emissions inspection program is strictly voluntary. All businesses applying for an emissions inspection license will pay the same licensing fee. There is no licensing fee for the individual inspectors. Subsection 643.320.2, RSMo authorizes the Missouri Air Conservation Commission to establish an annual emissions inspection license fee, provided the fee is no greater than one-hundred dollars ($100.00). The license fee is collected annually with each license renewal.

The inspection station licensing fee will offset the department's costs of overseeing a decentralized emissions inspection station network in the St. Louis ozone nonattainment area. This oversight effort will ensure motorists in the nonattainment area and all stations choosing to participate in the decentralized emissions inspection program that fraudulent inspections and repairs will be minimized. A change to the rule text is not anticipated as a result of this comment.

Comment: Subparagraph (3)(F)5.J.: This is requiring the shop owner to take on another operating expense if they do not have high speed internet access. It is unreasonable to have these records transferred immediately, these records could be easily downloaded 1 time a day and this would still be MUCH FASTER than the records are currently available at this time.

Subsection (3)(M): This requirement should be change to allow for daily downloading of the inspection records. The extra costs for immediate transfer of data is unnecessary.

Response: As stated in subsection (3)(M) and part (3)(O)4.C.(II) of the draft rule, the department is seeking a real time emissions inspection data collection system for the decentralized emissions inspection program that will replace the real time emissions inspection data collection system of the current centralized emissions inspection program. To facilitate this real time data collection, immediate transmission of inspection data is required. Real time emissions inspection data collection will facilitate a paperless, real time vehicle registration verification system, which the state is seeking.

As stated in subparagraph (3)(F)2.C. of the draft rule, emissions inspection records may be transmitted to the state's contractor using low speed access, such as a phone modem, so that licensed emissions inspection stations can avoid the expense of high speed internet access. The operating expense of transmitting the inspection records to the state's contractor, whether via high speed or low speed access, will be the responsibility of the inspection station. A change to the rule text is not anticipated as a result of this comment.

Comment: Paragraph (3)(H)1.: This requirement states that if there are any recalls for a vehicle issued after July 1, 1995, the shop is required to make the client aware of this. You should be aware that this information is not always released to the aftermarket repair industry in a timely basis and requires another cost for the shop to absorb in obtaining this info, or spending a lot of time searching the Internet for every test vehicle.

Response: Paragraph (3)(H)1. of this rule will be deleted and the rule text renumbered accordingly in response to this comment.

Comment: Paragraphs (3)(L)1. to (3)(L)3.: The remote testing program should no longer be required due to the fact that there will now be many test stations, and not just 8-10 stations. Also, since the State and the Department of Revenue are asking the small shop owner to bear the majority of the cost, we should be allowed to test all of the vehicles that are due for testing to help offset the costs.

Also, an integral part of the emissions test, is the pressurized gas cap testing procedure, if the remote testing is allowed to go on, the vehicle owner should still have to come to a station, pay the fee, and have the gas cap tested to make the emission testing fair and equitable to all.

Response: These paragraphs do not describe a remote sensing program that would exempt vehicles from a station-based inspection. These paragraphs describe a remote sensing program that would collect data to monitor vehicle emissions in the St. Louis ozone nonattainment area. Because subsections (3)(L) and (4)(G) don't directly affect the decentralized emissions inspection stations, it is anticipated that subsections (3)(L) and (4)(G) of this draft rule will be deleted before filing the proposed rulemaking.

Comment: Paragraphs (4)(C)1. to (4)(C)4.: This requires the inspection station to provide a list of 10 repair facilities and related info, who is to gather and maintain this info? Is the issuing shop allowed to pick and choose who they refer?

And what is specifically being referred to in paragraph (4)(C)3.? it states, "Other information as required by the contract between the department and the contractor; and", if this is not referring to anything specific, it should be deleted, if it is referring to something specific, it needs to be spelled out.

Response: As stated in subsection (4)(D) of the draft rule, the state's contractor is required to gather and maintain Recognized Repair Technician and repair information necessary to generate the repair facility performance report. The state's contractor is required to design inspection equipment software that will print the repair facility performance report. The inspection equipment software will select the ten (10) nearest facilities, inclusive of the inspection station if the station employs a Recognized Repair Technician. The amount of other information printed on the repair facility performance report depends upon the state's contract with a contractor, which has yet to be awarded. A change to the rule text is not anticipated as a result of this comment.

Response to Comments from Judith Zwicker, PhD, Remote Sensing Air, Inc.

Comment: It would have been useful to have had dates on the documents so that the time for comments could have been estimated.

Response: The date that the documents were posted on the Rules in Development web page, November 8, is provided after the link for the documents.

Comment: There is no mention in section one of the Regulatory Impact Report about the "contractor" mentioned heavily in the DRAFT rule. From the number of times that the "contractor" is mentioned and the types of duties, the "contractor" will play a very important role. The implication of this section is that the program will be run by local repair shops, but there are also other very important tasks that must be attended to if the program is to work. Is the "contractor" likely to be local?

Response: As defined in subsection (2)(C) and used throughout the draft rule, the contractor will play an important role in the successful implementation of the decentralized vehicle emissions inspection program, just as the current contractor has played an important role in the successful implementation of the centralized vehicle emissions inspection program. The program will be run through a collaborative effort of the department, the Missouri State Highway Patrol, the state's contractor, and the licensed emissions inspection stations. The contract has not yet been awarded, so the department does not know if the contractor will be located locally.

Comment: In section one of the Regulatory Impact Report, it is good that diesel vehicles will finally be tested. There was really no good reason for them not to be tested by the IM240 and/or remote sensing in the past.

Response: State statute 643.315.3(4), RSMo, which is effective until September 1, 2007, gives the Missouri Air Conservation Commission (MACC) the authority to exempt all diesel-powered vehicles. The MACC exempted diesel-powered vehicles in state rule 10 CSR 10-5.380 Motor Vehicle Emissions Inspection because the Gateway Clean Air Program was designed to reduce hydrocarbon (HC) emissions, and diesel-powered vehicles do not emit HC in a significant amount relative to gasoline-powered vehicles. State statute 643.315.2(9), RSMo, which becomes effective on September 1, 2007, requires that 1997 and newer light-duty diesel vehicles be subject to the emissions inspection requirement. Therefore, the draft rule includes an emissions inspection requirement for diesel-powered vehicles that are equipped with on-board diagnostics systems.

Comment: Section two of the Regulatory Impact Report does not make clear that there were no truly open sessions for input from the general public during the I/M Summit. Also, there is no mention that comments received on the Draft White Paper have never been addressed or made public as was stated in the White Paper and by Mr. Haskins Hobson who prepared the Draft White Paper. I submitted comments on December 15, 2005 on the October 26, 2005 Draft White Paper. The Draft White Paper has never been finalized with the inclusion of my comments or those of others, even those within the Department of Natural Resources who did not agree with all of the findings of the White Paper – specifically that it would be a good idea not to test 1995 and older vehicles. There was not the consensus implied by this section. Also, there is no mention of a very thorough document put out by the East-West Gateway Council of Governments in

October of 2004 (FINAL DRAFT REPORT ON MISSOURI INSPECTION AND MAINTENANCE PROGRAM I/M Work Group of the Air Quality Advisory Committee East West Gateway Council of Governments, October 27, 2004) that showed a very different emphasis by vehicle owners on what was important to them as well as input from a large number of other people.

Response: The purpose of the Emissions Inspection and Maintenance (I/M) Summit, held in the summer of 2005, was to bring the St. Louis community together to consider and build consensus for a redesign of the vehicle emissions I/M program in St. Louis. The stakeholders who participated in the I/M Summit are listed in the Regulatory Impact Report. The agendas, presentations, and minutes from each meeting, as well as the Draft I/M Summit White Paper, are posted on the department's web site at the following address: http://www.dnr.mo.gov/alpd/apcp/sipworkgrp/sipgrpmain.htm#IM. A Final I/M Summit White Paper will be posted on this web site as a result of this comment.

The Draft I/M Summit White Paper documents that there were two points of view about testing 1995 and older vehicles during the meetings, a majority and a minority, and that there wasn't a majority consensus about continuing to use tailpipe test methods for 1995 and older model year vehicles. The Draft I/M Summit White Paper states the following: "The IM240 test is the quickest, most fraud-resistant, state-of-the-art emissions test for 1995 and older model year vehicles. However, there is a substantial cost of the purchasing, installing, and maintaining this IM240 test equipment, and the existing IM240 testing infrastructure is owned and operated by the current I/M contractor. Given that 1995 and older model year vehicles will be a diminishing portion of the St. Louis area fleet of vehicles beyond 2007, the majority consensus of the participants was that 1995 and older vehicles should be exempt from all tailpipe testing. The minority consensus of the participants was that 1995 and older vehicles emit more pollution than 1996 and newer model year vehicles and should not be exempt from IM240 tailpipe testing until the St. Louis area meets the eight-hour ozone standard and is reclassified as a maintenance area."

The East West Gateway Council of Governments' Air Quality Advisory Committee I/M Work Group did produce a FINAL DRAFT REPORT ON MISSOURI INSPECTION AND MAINTENANCE PROGRAM. This report is posted on the Council's web site at the following address: http://www.ewgateway.org/pdffiles/library/aq/aq-missouriimreport.pdf. This report was written by the I/M Work Group in response to the 2004 General Assembly bills that sought to end or substantially modify the Gateway Clean Air Program prior to the end of contract on September 1, 2007.

The I/M Work Group report was not mentioned in the Regulatory Impact Report because the report did not focus on how to design Missouri's I/M program after September 1, 2007. The I/M Work Group report was designed to provide information about both the environmental and convenience benefits of the centralized emissions inspection program and summarize additional convenience measures that could be implemented to improve the public's perception of the Gateway Clean Air Program. The audience for this I/M Work Group report was the 2004 House Interim Committee on Vehicle Emissions and the 2005 Missouri General Assembly. The goal of the I/M Work Group was to advise state legislators to consider legislation that would sustain the Gateway Clean Air Program

by increasing the convenience of the Gateway Clean Air Program without substantially decreasing the air quality benefits of the centralized program.

Based on the I/M Work Group report, House Bill 697 (2005) was drafted and perfected in the House, but did not pass the Senate before the end of the session. Because this legislation failed to pass, and because the state is required to have a vehicle emissions I/M program as part of the State Implementation Plan to attain the eight-hour ozone standard, the department and the East West Gateway Council of Governments convened the I/M Summit in July 2005. This I/M Summit process, as well as a Request for Information from I/M contractors and a Vehicle Inspection Technology Trade Show in December 2005, contributed to the drafting and passing of Senate Bill 583 (2006). This legislation was signed by the Governor on June 30, 2006, and it requires the MACC to promulgate the rule that the Regulatory Impact Report analyzes.

Comment: In section three of the Regulatory Impact Report, in addition to those stated, the employees and suppliers of the current contractor for the centralized program will be adversely affected. These are in majority local citizens and small businesses who pay state and local taxes and buy goods at local retail outlets.

Response: While it may be true that the employees and suppliers of the current contractor for the centralized emissions inspection program will be adversely financially affected when the decentralized emissions inspections program begins, the cause of this adverse affect is the completion of the contract between the state and the contractor on September 1, 2007, not this draft rule. This draft rule does not prohibit the current contractor from bidding to be the state's next contractor, or from applying for licenses to perform emissions inspections at the centralized emissions inspection stations. Should the current contractor be awarded the next contract or be licensed to perform emissions inspections, the employees and suppliers of the current contractor could benefit financially from this draft rule.

Comment: In section three of the Regulatory Impact Report, in addition to those stated, those people who will no longer need to have the vehicles tested will also be affected. There will be the "positive" side of convenience and the negative side of higher concentrations of vehicle emissions in their vehicles and neighborhoods. Since the vehicles that will not need to be tested are older vehicles and these have higher concentrations in the poorer areas, these areas will be more affected by the higher pollution levels.

In section three of the Regulatory Impact Report, in addition to those stated, the general public in the St. Louis non-attainment area, especially those near interstate highways, will also be negatively impacted by the higher emissions.

Response: Vehicle emissions I/M programs are designed to reduce ozone precursor emissions so that ground-level ozone cannot be formed at concentrations that are harmful to humans. Ground-level ozone is formed by the reaction of hydrocarbons (HC) and nitrogen oxides (NO_x) emissions in the presence of heat and sunlight. These emissions come from mobile and stationary pollution sources such as vehicles and power plants. The location of unhealthy concentrations of ground-level ozone varies by day, hour, minute, and location because meteorological conditions (wind speed and direction, cloud

cover, and humidity) and emissions rates from mobile and stationary sources are constantly changing. These shifting conditions affect ozone reaction rates, both formation and destruction, and as a result, unhealthy ozone concentrations can be measured anywhere in the ozone nonattainment area. Therefore, ground-level ozone concentrations will not necessarily be higher near interstate highways or in poorer areas due to 1995 and older model year vehicles not being emissions inspected.

While it may not be healthy for humans to breathe HC and NO_x molecules, and while the potential for excess HC and NO_x emissions from 1995 and older vehicles will increase after September 1, 2007, the Clean Air Act does not require states to meet ambient air quality standards for HC or NO_x emissions, and vehicle emissions I/M programs are not designed to protect motorists from such direct exposures. As a result, the Regulatory Impact Report does not discuss these potential impacts.

Comment: In section three of the Regulatory Impact Report, in addition to those stated, the owners and operators of the small business who will need to become part of the program will lose revenues from the loss of repairs to 1981 to 1995 vehicles that would have been repaired under the current program. These owners and operators will need to pay for training and equipment and possibly lose repair revenues that are generally higher than test revenues.

Response: Owners and employees of small businesses involved in vehicle emissions testing and repairs in the St. Louis ozone nonattainment area will be financially affected by this rulemaking. Whether a small business will be affected positively or negatively depends on how the business owner adapts their business plan to meet the new business conditions present after September 1, 2007.

Comment: In section four of the Regulatory Impact Report, I assume that this is supposed to mean the economic costs and benefits over that which it is replacing. If this is the case, then the first paragraph in this section is misleading. Fewer vehicles will be tested and repaired. Those that will not be tested and repaired are the ones that produce the most emissions. Therefore repairs on these vehicles would result in the greatest emissions reductions. So an environmental cost of the proposed program is the increase in emissions (estimated later in the document at 5 tons/day of VOC and NOx for the first two years and 3 tons/day of VOC and NOx for the next four years). This seems like a significant cost to me. This section does not even address the issues of increased air toxics related to these same emissions from the unrepaired vehicles. These environmental costs may create another environmental cost by leading to ozone exceedances in the area that need to be addressed by additional controls on other sources.

Response: Fewer vehicles will be emissions tested and repaired after September 1, 2007. However, statute 643.315, RSMo, which becomes effective on September 1, 2007, requires the exemption of 1995 and older gasoline-powered and 1996 and older diesel-powered vehicles. Therefore, the MACC does not have the authority to promulgate a rule that violates this state statute. This doesn't mean that 1995 and older vehicles won't need repairs or maintenance to run cleanly. It just means that the owners of these vehicles won't be required by state law to inspect or repair these vehicles prior to registration renewal.

While vehicle emissions I/M programs do reduce air toxics by reducing HC emissions, states do not implement I/M programs for the purpose of reducing air toxics. The eight-hour ozone State Implementation Plan (SIP) that is being drafted, but has yet to be submitted to the EPA, will be comprehensive enough to compensate for potential increases in HC emissions from vehicles exempted from the decentralized emissions inspection program so that the St. Louis area will attain the eight-hour ozone standard.

Comment: In section four of the Regulatory Impact Report, convenience seems to be a very important part of the decision to change from the previous program to the proposed program. It is not made clear in this section that the wait times for getting the vehicle tested at one of the new decentralized stations is allowed to be 2 hours unless other vehicles are being tested. The only additional convenience would be if the decentralized test station also does the safety test and both can be done while the car is left for the day or at least a few hours and not all facilities will perform both safety and emissions testing. Since repair facilities prefer repairs to testing, motorists will now have to call ahead and make an appointment as opposed to driving through an emissions station at their convenience. There is no mention that the very convenient and well liked RapidScreen program will no longer allow vehicle owners who maintain their vehicles to obtain an exemption from testing altogether. The program has been very successful as a convenience tool and in ensuring that emissions are not increased. Over 100,000 owners of vehicles with model year 1996-2003 took advantage of this program in 2005. These people will lose this convenience and have to deal with OBD connectivity problems and failures that are not related to emissions problems. The discussion of benefits to the vehicle owner for maintaining and repairing vehicles are the same for the current program except the vehicle owners with vehicles of model year 1981 to 1995 also get these benefits under the current program but will not under the proposed program. The ground level ozone is reduced to a greater extent with the current program than it would be with the proposed program.

Response: Convenience is an important part of the decentralized emissions inspection program design. It is anticipated that many motorists will choose to have their vehicles safety and emissions inspected at licensed inspection stations that offers both services. The draft rule does not preclude test-only inspection stations from offering either safety or emissions inspection services in a high volume throughput design so that motorists do not have to wait as long as two hours before their vehicle's safety or emissions inspection begins.

The RapidScreen program has played an important role in the designed convenience of the Gateway Clean Air Program. At least one million vehicles have been inspected with this remote sensing test method since the Gateway Clean Air Program began. This convenience measure was feasible with a centralized emissions inspection program design because motorists with RapidScreen-eligible vehicles paid their RapidScreen fees to the same company that ran the centralized emissions inspection stations. In other words, the centralized contractor did not lose potential revenue by exempting these vehicles from a station-based test. This convenience measure is not as feasible in a decentralized emissions inspection program design because this method would reduce the number of vehicles inspected at licensed emissions inspection stations. In other words, the decentralized inspection stations would lose potential inspection, and possibly repair,

revenue if vehicles are exempted from the station-based test. Therefore, the draft rule does not include a RapidScreen element.

The ground-level ozone concentrations are reduced to a greater extent with the current Gateway Clean Air Program than will be with the decentralized emissions inspection program. However, the Gateway Clean Air Program ends on September 1, 2007, and state statute 643.303, RSMo, requires that the department and the MACC implement a decentralized emissions inspection program as soon as the Gateway Clean Air Program ends.

Comment: In section four of the Regulatory Impact Report, the financial impact of the proposed program is very vague. There are many aspects of the cost of running the program that are not accounted for. It is obvious that part of the problem is that many numbers cannot be determined a priori. However, the impact on the owner of vehicles 1996 and newer is exactly the same as for the current program. Owners of vehicles 1981 to 1995 will not have to pay the cost of $24 every two years (or $1/month) which is really very low for getting anything so beneficial as reducing the emissions of VOC and NOx by 5 tons/day each. Of course the owners of the 1996 and newer vehicles will need to pay for repairs related to their OBD systems even when the repair does not affect the emissions and the owners of the 1995 and older vehicles will not. For the current program there are no unknowns to the cost and benefit so far as the financial part of the testing and running of the program is concerned. All expenses are covered by the $24 fee that includes the $2.50 per test for the MDNR (I understand that this revenue pays for the MDNR oversight of the program) as well as all testing, training, quality assurance, the RapidScreen Program, reporting, and so forth. There are no additional costs to the public. With the new program, it is unclear how much the test stations will get. They charge $24 and must give $2.50 to the MDNR but there is the "contractor" who will sell or lease equipment to the test stations. Presumably the contractor will also collect and perform quality assurance and quality control on the all of the data collected from all of the stations. They will also provide the stations with forms and stickers, collect information from the DOR, send information to the DOR, making sure that all data are available in real time to the MDNR and MSHP and run a remote sensing collection program. Where does this money come from to pay the "contractor" – the $21.50 that the inspection station has left after paying the MDNR its $2.50 or out of the MDNR $2.50 or out of general revenues?

The next two paragraphs discuss the issues pretty well, but, as stated, rather vaguely since there does not seem to be any concrete information about how much many things will cost and how many test facilities there are likely to be.

Response: The financial impact of the current centralized emissions inspection program that ends September 1, 2007, is known, and the financial impact of the next decentralized emissions inspection program is vague in the Regulatory Impact Report. The future costs of the next decentralized emissions inspection program for licensed emissions inspection stations won't be known until the state awards a contract to the winning bidder in early 2007. State statute 643.303.11, RSMo, requires the MACC to promulgate a rule by July 1, 2007, for the implementation of the decentralized emissions inspection program. Therefore, the department is statutorily required to proceed with the necessary rulemaking actions without all of the costs being known.

Comment: In section five of the Regulatory Impact Report, most of the discussion is full of the word "unknown" in relation to costs and revenues and leaves the feeling that the costs are likely to exceed the revenues. The current program provides a net revenue benefit to the MDNR (and thus, the state). Some of the costs discussed such as changes related to DOR improvements would have been beneficial to the current program if it were to continue, but the additional costs for checking up on the much larger number of test stations is just added cost for no real benefit! There is a net loss to the state and at least some loss to the repair community in losing the repair of 1981 to 1995 vehicles.

Response: The additional costs of overseeing and auditing a much larger network of test stations have the potential of increasing the department's costs without any corresponding environmental benefit. However, this potential increase in oversight costs is required by state statute 643.303.1, RSMo. To combat this potential increase in oversight costs, the state has released a Request for Proposal (RFP) to seek a contractor who can provide the department with audit management tools and other solutions that are capable of either holding level or minimizing any increase in the department's oversight costs.

There is a net financial loss to the state and the St. Louis repair community as a result of exempting 1995 and older model year vehicles from an emissions inspection requirement. However, this loss is required by state statute 643.315.2(3), RSMo, effective September 1, 2007.

Comment: In section seven of the Regulatory Impact Report, keeping the current centralized set up would be less costly since the program is in place and operating so there would be no start up costs. Also, the present contractor should be able to do the testing for less money (less than $24/test less the $2.50 to the state for emissions or less than $24+$12 -$2.50 -$1 – cost for safety sticker for emissions and safety) since they already own and operate most of the equipment necessary for the testing as proposed. There would be much lower costs for oversight (as stated in section 5). Keeping the current centralized stations for OBD only testing would be no more intrusive than the proposed rule – only OBD. Of course the high emitting vehicles (1981-1995) would still not be tested which would negatively impact the environment.

Response: Because state statute 643.303.1, RSMo, requires the MACC to design a decentralized emissions inspection program to replace the centralized emissions inspection program after the Gateway Clean Air Program ends on September 1, 2007, the department does not have the legal authority to keep the current centralized emissions inspection program design, even if doing so could potentially lower the oversight costs to the state or the inspection costs to the motorists. This draft rule does not preclude licensed emissions inspection stations from offering either safety and/or emissions inspection services at a lower cost than twelve dollars ($12.00) for each safety inspection and twenty-four dollars ($24.00) for each emissions inspection.

Comment: In section seven and eight of the Regulatory Impact Report, an alternative procedure that would be less costly and less intrusive would be to have an all remote sensing program that would require all vehicles to pass by a remote sensing van and to have emissions less than the clean screen level to get a registration renewal. This type of

program has been proposed in Colorado and a phase-in program has been adopted by the legislature. This type of program would allow testing of all vehicles except heavy duty trucks and buses that do not have the exhaust near street level. These types of vehicles could also be tested at special remote sensing set ups. The technology can determine the emissions from all fuel types and most vehicle types. Vehicles that passed the emissions test at the time of renewal and are emitting above a certain level could be notified that there vehicle is in need of repair out of cycle. This type of notification can be beneficial to the vehicle owner by letting them know of a problem before it becomes more expensive to fix. This would also reduce emissions by catching high emitting vehicles earlier than the 2-year interval.

Response: While a remote sensing program such as is described in the comment may be technically feasible, this design is not feasible because such a program would not meet the federal EPA requirements for an I/M program design that is part of a ground-level ozone nonattainment area State Implementation Plan. States such as Missouri with moderate ozone nonattainment status are required to inspect 1996 and newer model year vehicles with an OBD test on a periodic basis.

Because all OBD-equipped vehicles have an amber-colored malfunction indicator light (MIL) on the dashboard that notifies motorists of current emissions-related problems that are beneficial to repair before they become more expensive to fix, the use of remote sensing to perform this task would be redundant. Because the MIL will illuminate any time the vehicle either has a malfunction or has deteriorated enough to cause a potential increase in the vehicle's tailpipe or evaporative emissions more than 1.5 times the federal test procedure certification limits, motorists are already notified about when to reduce their vehicle's emissions potential by seeking vehicle repairs prior to their vehicle's next emissions inspection, which could be as many as two years away.

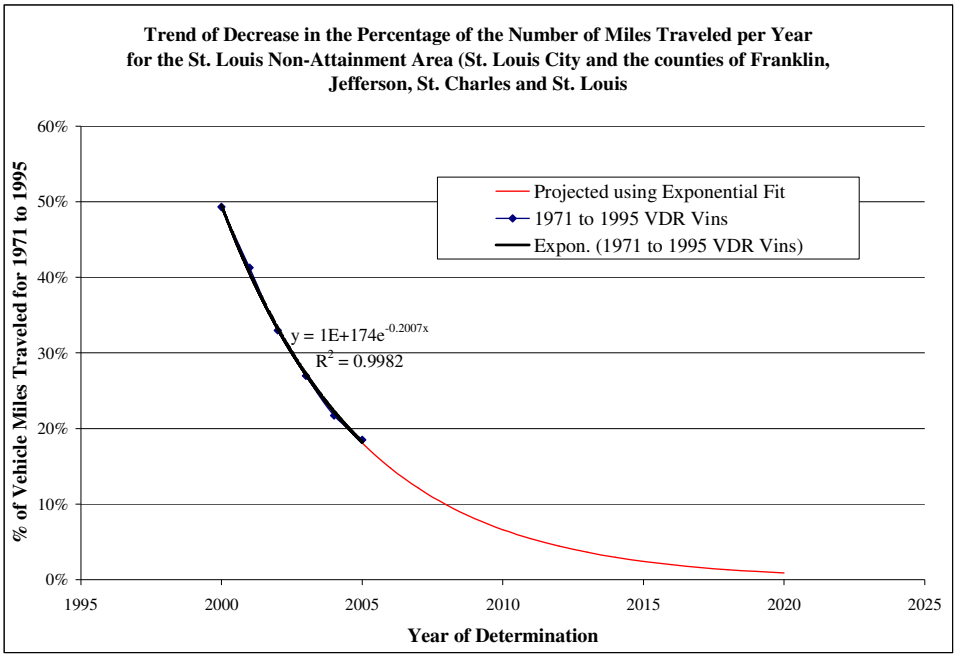
A remote sensing program that identifies high emitting vehicles (vehicles emitting excess pollution) and requires these vehicles to be repaired is a form of tailpipe testing. Tailpipe testing methods provide a quantification of a vehicle's tailpipe emissions potential, but do not provide a quantification of a vehicle's evaporative emissions (caused by escaping gasoline vapors consisting of HC molecules) potential. Because evaporative HC emissions can exceed tailpipe HC emissions, the OBD system closely monitors vehicle evaporative emissions controls. With the use of the OBD test method, the decentralized emissions inspection program will more effectively control evaporative HC emissions than would a remote sensing program that identifies high emitting vehicles based on tailpipe measurements.

Tailpipe test methods also do not provide any diagnostic information as to the reason for measured excess emissions. By comparison, the OBD test method downloads stored diagnostic trouble codes (DTCs) if the MIL is turned on. The DTCs indicate to trained repair technicians the systems or components that are in need of diagnosis and repair to prevent the vehicle's emissions from increasing further. Therefore, these technicians can target their diagnostic and repair efforts more effectively then they can with failing tailpipe test methods, which can reduce the motorist's cost of repairs.

Comment: In section nine of the Regulatory Impact Report, the short term impacts seem about right. These increases are directly bad for the health of the local residents and most

likely have higher impact on those living near highways. The increases may also lead to ozone exceedances that might push St. Louis into a higher non-attainment level. Increases of 5 tons/day for two years are certainly significant.

Yes, in the long term, the proposed rule will decrease emissions to the levels that they would be decreased by the current program – when nearly all of the 1995 and older vehicles are replaced by 1996 and newer vehicles. The current registration data for light duty passenger vehicles and trucks (not diesel) in the St. Louis non-attainment area indicate that in 2005 the 1995 and older vehicles made up nearly 30% of the fleet. Using information from EPA on vehicle miles traveled and remote sensing data, these older vehicles made up about 20% of the vehicle miles traveled and about 58% of the VOC emissions and 53% of the NOx emissions. The remote sensing data (that correlate with the EPA vehicle miles traveled data combined with the registration data) from 2000 through 2005 and then extrapolated (see Figure below) indicate that the time that the older vehicles will be replaced by newer will be approached asymptotically and reach <2% by about 2016. This trend will probably be impacted by the proposed rule so that



the removal of older vehicles will be slower than expected since owners of vehicle with model years 1990 to 1995 are less likely to move up to late 1990's or early 2000 vehicles that will need OBD testing and will have problems with OBD testing.

One of the problems with going over to all OBD testing is that there is no way to directly evaluate the emissions reductions due to the program as there is with the tailpipe tests or remote sensing testing that actually measure emissions before and after repair.

Response: Due to the EPA's phase-in of progressively more stringent new vehicle emissions standards, older vehicles have always emitted a higher percentage of the ozone-forming precursor emissions than newer vehicles on a gram/mile basis. However, as vehicles age, their maintenance costs eventually exceed their actual value. As a result, older vehicles are, on average, driven fewer miles, and then finally replaced with newer,

lower-emitting vehicles. Therefore, the impact of older vehicles on ground-level ozone formation is decreasing with time. The voluntary ongoing, aggregated turnover from older vehicles to newer vehicles on St. Louis area roads may be slower once the decentralized emissions inspection program begins, because owners of 1995 and older vehicles may be less likely to replace their vehicle with a vehicle that will be subject to an emissions inspection. However, state statute 643.315.2(3), RSMo, which is effective on September 1, 2007, requires the exemption of 1995 and older vehicles.

There is no way to directly evaluate the emissions reductions due to a decentralized emissions inspection program using the OBD test method. It is anticipated that remote sensing methods will be used to indirectly evaluate the emissions reductions, as indicated in subsections (3)(L) and (4)(G) of the draft rule. Because subsections (3)(L) and (4)(G) don't directly affect the decentralized emissions inspection stations, it is anticipated that subsections (3)(L) and (4)(G) of this draft rule will be deleted before filing the proposed rulemaking.

Comment: In section ten of the Regulatory Impact Report, the impact of air toxics released from vehicles is also an important consideration for risk. The proposed rule will not reduce the risks from the current program but will increase them for at least 5 years and possibly longer. The proposed rule will only reduce emissions relative to no program at all or a very basic program that does not test light duty trucks (that became a very significant part of the fleet in the 1990s and early 2000s due to the increase in SUVs and pick up trucks as family vehicles).

Response: The draft rule is not proposing to reduce the risks to human health, public welfare or the environment from exposure to air toxics. The draft rule is proposing to reduce the risks to human health, public welfare or the environment from ground-level ozone. While vehicle emissions I/M programs do reduce exposure to air toxics by reducing tailpipe and evaporative HC emissions, states do not implement I/M programs for the purpose of reducing air toxics. As a result, the Regulatory Impact Report does not discuss these potential risks.

This does not mean that air toxics are being ignored. The EPA is addressing air toxic emissions from mobile sources. For more information about the EPA's national efforts, please visit the following web page: http://www.epa.gov/otaq/toxics.htm.

Comment: In section eleven of the Regulatory Impact Report, what specifically are the federally-required controls on stationary and mobile sources that are being phased in through 2010 and what are their specific regulatory criteria that will make up for the increase in emissions from the vehicle fleet? It is stated that "Using the existing control strategies already in place and including the additional federally-required controls, the draft results of this modeling indicate that the St. Louis area will likely attain the eight-hour ozone standard by June 2010." (my underlining). Does this mean including the current IM program or the proposed IM program?

Response: For stationary source controls, the EPA has issued a NO_x State Implementation Plan (SIP) call. This SIP call requires states, including Missouri, to submit control strategy plans to the EPA that will reduce the NO_x emissions rates of large stationary sources such as electric generating units and industrial boilers. The EPA has

also issued the Clean Air Interstate Rule (CAIR) that affects the emissions rates of electric generating units in the eastern third of the country, including Missouri. For mobile source controls, the EPA has phased in Tier II new vehicle certification standards and low sulfur gasoline and diesel requirements. In combination, these mobile source controls will mandate cleaner burning light duty and heavy duty vehicles across the country. The eight-hour ozone SIP will contain more details about these control strategies, and the SIP will be available for public comment in 2007.

When the eight-hour ozone SIP is submitted to the EPA in June 2007, the I/M control strategy that will be included in the SIP will be the current centralized emissions inspection program. Once this draft rule is finalized and the decentralized emissions inspection program begins, a revised SIP amendment will be submitted to the EPA that will account for the change from the current benefits of the centralized to the decentralized emissions I/M program.

Comment: In section twelve of the Regulatory Impact Report, I do not understand why the proposed rule assumptions was not used in the CAMx model rather than the Basic I/M program. MOBILE 6 does appear to have higher emission rates for the Basic Performance Standard that is annual but tests only light duty gas vehicles (no light duty trucks) and does not test for NO_x. Do the models weight the input parameters the same? For example, would CAMx weight the annual testing more heavily than MOBILE 6? OR do you put the results of MOBILE 6 into CAMx? Since the current IM program results in even lower MOBILE 6 emission rates in 2009 and 2010, then it would make it more likely that the St. Louis are would attain the eight-hour ozone standard while keeping the air cleaner in the years between mid-2007 and 2010.

Response: Running the photochemical model called CAMx to demonstrate the effectiveness of various control strategies is a time intensive, complex process. The department could not wait for the decentralized emissions inspection program design to be finalized before conducting photochemical model runs for the development of the eight-hour ozone SIP. Therefore, the photochemical modeling that will be submitted with the eight-hour ozone SIP will include the emissions benefits of EPA's Basic I/M Performance Standard. The emissions factors from the Basic I/M Performance Standard, the standard that the EPA requires moderate ozone nonattainment areas to meet or exceed, were used as a worst case I/M control strategy. The Basic I/M Performance Standard is a less effective strategy than either the next decentralized or the current centralized emissions inspection programs. By using a more conservative, less effective emissions inspection program design with the CAMx model, the department could complete the modeling early enough to determine the emissions control strategies that would be included in the SIP. Because the preliminary CAMx modeling results show that the St. Louis area can demonstrate attainment of the eight-hour ozone standard with a less effective emissions inspection program than the decentralized emissions inspection program, the department is confident that when the decentralized emissions inspection program design is modeled, these inputs will also demonstrate attainment of the eight-hour ozone standard.

The photochemical model does not model the vehicle emissions I/M program itself. The MOBILE 6 model is used to model the effect of the I/M program on vehicle emissions and predicts emissions factors that are used to estimate the total quantity of emissions

from motor vehicles. These emissions are then used as one of many inputs that the CAMx model uses to predict ozone concentrations.

Comment: In section thirteen of the Regulatory Impact Report, it seems to me that there are a couple of countervailing risks. First, that there is a greater probability that the 8-hour ozone standards will not be met with the proposed program. Second, there will be the increase in air toxics.

Response: As explained above, the preliminary CAMx photochemical modeling indicates that there is no increase in the probability that the eight-hour ozone standard will not be met when the decentralized emissions inspection program begins.

As explained above, the draft rule is not proposing to reduce the risks to human health, public welfare or the environment from air toxics. Therefore, the increase in air toxic emissions after the decentralized emissions inspection program begins is not a countervailing risk.

Response to Comments from the United States Environmental Protection Agency, Region 7 - Air Planning & Development

Comment: With respect to the draft rule, paragraph (1)(B)4. should have diesel added at the end since some diesel vehicles are going to be tested.

Response: As a result of this comment, it is anticipated that a change will be made to the draft rule as a result of this comment.

Comment: A clarification could be made in Paragraph (1)(B)6. because it isn't exactly clear in the language if 2 or 3 model years (MY) are exempt. For example if the year is 2007, are the 2007, 2006 & 2005 MY vehicles exempt or just 2007 & 2006?

Response: If the calendar year is 2007, then 2008, 2007 and 2006 model year vehicles are exempt, and 2005 vehicles are not exempt, unless they have fewer than 40,000 miles on the odometer, as described in paragraph (1)(B)7. It is not anticipated that a change will be made to the draft rule as a result of this comment.

Comment: Paragraph (3)(E)3. refers to 40 CFR 85.2227 and EPA technical guidance. The CFR section is now reserved, so the state rule should be revised to reflect the current version of Part 85.
Comment: Subparagraph (3)(I)1. implies that vehicles which pass the gas cap test will pass the emissions inspection. This should be revised to state that the vehicle will pass the gas cap inspection if it meets the performance specification in the subparagraph.

Response: As a result of reviewing the draft rule language pursuant to these comments, after consideration of potential bidder comments regarding the inspection equipment requirements, and after further MOBILE 6 modeling and analysis, the gas cap pressure test requirements will be deleted in sections (3), (4), and (5) of the draft rule and the rule text renumbered accordingly.

Response: As a result of reviewing the draft rule language pursuant to these comments, after consideration of potential bidder comments regarding the inspection equipment requirements, and after further MOBILE 6 modeling and analysis, the gas cap pressure test requirements will be deleted from sections (3), (4), and (5) of the draft rule.

Comment: Paragraph (3)(G)3. also appears to contain an error, because it states that the inspector must "demonstrate" an inspection. The requirement should probably state that the inspector must demonstrate competency in performing an inspection, or some equivalent language.

Response: As a result of this comment, paragraph (3)(G)3. will be modified accordingly.

Comment: Paragraph (3)(K), relating to waivers, and subparagraph (5)(A)1. use the phrase "to the extent practical" in qualifying otherwise mandatory terms. The use of this phrase renders these provisions vague, and the phrase should either be deleted or the rule should identify the circumstances under which it would not be "practical" to perform the otherwise mandatory duty (use of a particular test or test method, verification of repair expenditures) and what alternative should be used if the duty in the rule is not performed (e.g., if a gas cap pressure test is not "practical" for a 1981-1996 model year vehicle, what inspection must the vehicle be subject to). Use of the practicability language might also lead to difficulties in determining the emissions implications of the underlying requirements.

Response: The draft rule describes emissions inspection requirements that need to be flexible enough to allow department staff to use enforcement discretion when appropriate. Because not all vehicles are designed identically, not every vehicle can be subjected to the exact same waiver or OBD test procedures. The department may need to issue waivers even if the presence of emissions control components or the repair verification has not been verified. Subsection (5)(A) will be deleted and the rule text will be renumbered accordingly to clarify that the only test method permitted for the decentralized emissions inspection program is the OBD test method.

Comment: Paragraph (3)(K)7. lists states that are deemed to have equivalent emissions inspections to Missouri's for reciprocity waivers. Is it wise to list the states by name when there is a chance that one or more of those states might have a program change?

Response: While one or more of those states might have a future program change, all of those states are currently required by federal regulations to use the OBD test method in a pass/fail capacity. If a state that is listed in the rule should discontinue the use of pass/fail OBD testing, then the department would modify the rule and cease to issue reciprocity waivers for such vehicles. The language in paragraph (3)(K)7. will be clarified to define the basis for the reciprocity waiver and one state will be added to the list.

Comment: Subparagraph (3)(O)2.B. states, in effect, that inspection station owners must comply with the rule and the "contract". Presumably, the reference is to the contract with the state contractor in charge of implementing the inspection program. While this is more an issue for the inspection stations, unless the station owners are parties to the contract, the provisions of the contract applicable to stations should be stated in the rule,

and the owners should be required to meet those requirements rather than requirements of the contract.

Response: As a result of this comment, subparagraph (3)(O)2.B. of this rule will be modified to clarify that inspection stations are not bound by the terms of the contract between the state and the state's contractor.

Comment: The subparagraph referenced in the previous comment also states that the license to the inspection station may be suspended by the department or the highway patrol. Missouri should consider whether this authority can be given to the MSHP on the basis of a rule of the Commission. Also, while the MSHP may have separate authority to suspend station licenses (such as stations which also perform safety inspections) that would seem to dependent on highway patrol rules rather than rules of the Commission. In addition, the statute, 643.320, appears to confer this authority on the Commission and not on the highway patrol.

Response: State statutes 643.320.3 and 643.337.1, RSMo, effective on September 1, 2007, give the Missouri Air Conservation Commission (MACC) the authority to designate oversight and enforcement activity authority to the department's Air Pollution Control Program as well as a designee of the MACC's choosing. The language in subparagraph (3)(O)2.B. of the draft rule complies with these statutory requirements. It is not anticipated that a change will be made to this draft rule as a result of this comment.

Comment: Subparagraph (3)(O)5.E. and paragraph (3)(O)6. refers to 40 CFR 85.2234, 2235 and EPA technical guidance. The CFR section is now reserved, so the state rule should be revised to reflect the current version of Part 85.

Response: Because the the gas cap pressure test requirements are being deleted from the draft rule, subparagraph (3)(O)5.E. and paragraph (3)(O)6. of the draft rule will be deleted.

Comment: We noticed that some of the language in the current draft is carried over from the existing rule. We would like to emphasize that since the new rule represents a significant change in the stringency of the program, it is important to make the requirements as tight as possible. For example, the "to the extent practical" language relating to the gas cap check becomes more critical, since apparently the gas cap check is the only test remaining for 1981-96 vehicles in the new program. Similarly, the requirement that inspectors verify qualifying repairs is more important than previously due to the shift to the decentralized, test and repair, program.

Response: Some of the language in the current draft is carried over from the existing rule, 10 CSR 10-5.380 Motor Vehicle Emission Inspection. However, this change in design does not represent a significant change in the stringency of the program. The OBD test standards are not changing when the state's I/M program changes from centralized to decentralized inspection stations. 1996 and newer model year gasoline-powered vehicles will be subject to the same stringency of OBD testing as they have been with the centralized emissions inspection program. The department will be issuing the cost-based waivers, and understands the importance of verifying the effectiveness of all

qualifying repairs prior to issuing a waiver. As explained above, the gas cap pressure test will be deleted.

Response to Comments from the Alliance of Automotive Service Providers of Missouri

Comment: Comments provide support for the providing a repair facility performance report (RFPR) as proposed in Section 4(C) of the draft rule text but objects to the requirement of having to provide customers with information on the ten closest competitors to the emissions inspection station. Including the contact information to obtain a RFPR on the inspection report would be okay. However, from a business stand point and considering how much time, effort and money is spent on getting a customer into a business, the last thing you would do is present anything about a competing business to your customer.

Response: The department has produced a Repair Facility Performance Report (RFPR) since the centralized emissions inspection program began testing vehicles in April 2000. Since that time, the majority of motorists whose vehicles failed an emissions inspection and that have used the RFPR to select a vehicle repair facility that employs a Missouri Recognized Repair Technician (MRRT) have selected a repair facility based upon the proximity of its location to their home or work location.

By requiring the contractor to provide all inspection stations with the ten nearest facilities that employ at least one MRRT to the inspection station that the motorist selected, the motorist will be provided with a means of comparing the effectiveness of MRRTs within the immediate vicinity of the inspection station they selected. This information may protect motorists from fraudulent or unnecessary repairs, and will likely encourage inspection stations and MRRTs to repair vehicles to pass the emissions inspection on the first reinspection. It is not anticipated that a change will be made to this draft rule as a result of this comment.

Response to Comments from Networkcar

Comment: Thank you for the opportunity to comment on the proposed Vehicle Emissions Inspections Program. We would like to propose an alternative that may not have been considered previously: *In addition to offering a traditional Inspection/Maintenance program, we suggest that the vehicle owners and fleet operators have the option to install a device that continuously monitors a vehicle's emissions and then reports that information to the vehicle owner and appropriate state agency if there is a compliance violation.*

Precedents for remote smog checks do exist. Networkcar, cutting edge telematics company, is a pioneer in working with the Bureau of Automotive Repair (BAR) in the State of California as part of its Continuous Testing Pilot (CTP) program. California car owners and fleet managers can voluntarily enroll eligible vehicles in the CTP program. As long as the monitoring device installed in the vehicle does not detect an emissions problem, the motorist or fleet operator is not required to take vehicles to inspection facilities. When an emissions problem is detected, the car owner or fleet manager is notified and given 45 days to repair the problem. If the problem is not fixed in the

allotted time period, the vehicle is removed from the CTP program and placed back into the traditional inspection program.

Benefits of Continuous Monitoring

	For the Vehicle Owner or Fleet Operator	For the State of MO
Eliminates Unnecessary Inspections of Clean Vehicles	With remote monitoring technology, car owners and fleet operators are automatically notified if their vehicle fails the emissions test and only need to take their car in for repairs if a problem is detected. In current physical inspection programs, most vehicles pass, making an exception based monitoring and enforcement system a more appropriate and cost effective for consumers and regulators alike.	With remote monitoring, the State of MO would receive notification of those vehicles that are polluting and know when the violation occurs. Under the current program, the State has no data on how long a vehicle may have been polluting excessively.
Is Less Disruptive to the Schedules of Consumers and Fleets	Vehicle owners do not need to take time out of their day to take a vehicle to an inspection facility and wait for the test. The test are also often perceived as damaging to the car, which makes some vehicle owners wary of the tests. Fleet owners benefit by not having to remove an asset from the road.	The State of MO will not need to design a program that fits into the busy schedules for consumers and fleets. In addition, the State will not need to educate consumers that the traditional I/M programs do not damage the vehicle.
Immediate Problem Identification Decreases Pollution	This results in cleaner air for everyone as problems are detected and repaired faster than under traditional I/M Programs.	Most inspection programs require the test to be completed every two or three years. If a vehicle develops a problem any time during this period, it continues to be driven in a polluting condition since the driver and authorities are not aware of the problem. With remote monitoring, however, the driver is notified immediately to make repairs thus decreasing pollution.
Eliminates Need for Follow-Up Inspection	After repairs are completed, there is no need for a second	By eliminating the need for follow-up inspections, the

	physical inspection since the system dynamically detects whether or not the vehicle is back in compliance. This streamlines the process for car owners and fleet operators.	process is simplified for the State.
Immediate Repairs Less Costly In Terms of Time and Money than Deferred Repairs	If a car owner unknowingly drives for several years with an undetected emissions problem, the problem could impact other vehicle subsystems leading to larger repair bills. Also, and emissions problem that is not promptly detected could lead to hidden costs like higher fuel expenditures.	From a public relations standpoint, the State of MO benefits by helping consumers and fleets identify emissions problems before a costly repair is required.
No Conflict of Interest	There is no conflict of interest in implementing this system since it is independent of the vehicle manufacturer, inspection facilities and repair facilities. The vehicle is communicating the same emissions status as would be discovered through a physical inspection.	With remote monitoring, the State of MO would receive data from and uninterested, third party.
Voluntary Participation Alleviates Privacy Issues	Consumers and fleet operators benefit by having a choice in how they comply with existing regulations.	By making the program voluntary, for the general population, privacy issues can be addressed. For gross polluters, such as taxis or high mileage vehicles, mandatory continuous monitoring and repair may be more appropriate.
Clearly Communicates the Nature of the Problem	In contrast to the in-vehicle warning icon and light that causes much confusion to drivers, the continuos monitoring system has the advantage of using e-mails and a website to clearly explain the nature of the problem. These messages are easy to modify for purposes such as official warning notifications.	The State of MO has the ability to capture in real-time data about what types of emissions problems are occurring in the State.
Tamper and Fraud Resistant	Remote monitoring devices	The device is installed behind

	can be installed unobtrusively in vehicles.	the OBD-II port and is hidden from view under the dash so that it would be difficult to locate or remove. The system remotely detects if a unit has been unplugged. Specifically, by examining the number of resets and successful data reads it would be possible to determine if tampering had occurred. The car itself notifies the oversight agency of its status, not an inspection facility operator who might be tempted to falsify the result to receive a fee for a second inspection.
Easy Integration with Existing I/M Program Administration Systems	---	The dynamically collected data can be easily accessed by agencies through use of Web Service and XML technologies. The highly sophisticated database design gives agencies flexibility to design programs customize to their needs. This streamlines administrative operations for I/M programs.
Mechanism to Verify Vehicles Driven In Appropriate Regions	---	The State of MO could offer a device that tracks a vehicle's location and reports that at the time of a problem. However, this option may not be widely accepted by consumers and fleet operators.
Monitor Based on Mileage Threshold	---	With remote monitoring, the vehicle mileage could be provided at the time of an emissions violation.

Thank you for asking for public comment proposed Rule 10 CSR 10-5.381. We would welcome the opportunity to provide additional information.

Response: The convenience of remote OBD inspections is not as feasible in a decentralized emissions inspection program design because this method would reduce the number of vehicles inspected at licensed emissions inspection stations. In other words, the decentralized inspection stations would lose potential inspection revenue if vehicles are exempted from the station-based test.

The decentralized emissions inspection program is designed to offer motorists the option of obtaining both their safety and emissions inspections at one facility. This alternative would not add any additional convenience for motorists that would still need to have their vehicles safety inspected by these same licensed inspection facilities, even if those vehicles had passed a remote OBD inspection. Therefore, the draft rule does not include a remote OBD inspection method. A change to the rule text is not anticipated as a result of this comment.